IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2268 OF 2007

1. Sandeep Arjun Mhatre,
2. Pandurang Ramdas Mhatre. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

Kuldeep S. Patil for the applicants.

Ms.M.H.Mhatre, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 13th July 2007.

P.C.:

. Heard learned counsel for the applicants and learned A.P.P. for the State.

2. This application is for anticipatory bail. The applicants are charged with the offences punishable under sections 467, 468, 469, 419, 420 read with section 34 of Indian Penal Code under C.R.No.141/2007 registered with the Pen Police Station, district- Raigad.

3. The factual matrix reveals that one Mr.Ramchandra Mhatre (complainant), resident of Mothe Bhal is the owner of land bearing survey No.243.

4. The SEZ company was intending to purchase the lands from Mr.Ramchandra Mhatre. On behalf of the company Mr.S.V.Vaidya was given power to obtain sale-deed from the owners of the land.

5. It is alleged that one agent has prepared sale-deed and produced one bogus person as Ramchandra Mhatre before the Sub-Registrar and identified him as real owner Ramchandra Mhatre and executed sale-deed in favour of SEZ company. The present applicants stood as witnesses, who have identified the alleged (bogus) Ramchandra as real one. On execution of sale-deed, Mr.Vaidya on behalf of SEZ company paid near about Rs.58,00,000/- to the alleged (bogus) Ramchandra. That is how, transaction of sale came to be completed by playing record.

6. However, later on real Ramchandra Mhatre, i.e. present complainant lodged complaint about cheating, stating that, he; neither signed the sale-deed nor received any consideration by way of sale price for his agricultural land. He never appeared before the Sub-Registrar for execution of sale-deed. On the complaint of the complainant, one of the accused came to be arrested. Now, the applicants- accused have approached this Court for grant of anticipatory bail.

7. It appears that the person who has represented himself as Ramchandra Mhatre and signed the sale-deed as owner of the land was not real Ramchandra Mhatre. He was a bogus person. He is not traceable. The present applicants are witnesses to the document. They have identified the alleged Ramchandra before the Sub-Registrar. Therefore, both of the applicants appear to have involved in the offence of cheating the real owner of the land and the SEZ company, as such custodial interrogation of both the applicants would be necessary so as to locate the main accused involved in this transaction. In this view of the matter, I am not inclined to entertain this application for anticipatory bail.

8. The application is, therefore, rejected.

JUDGE